

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

BENNIE STROUD

PLAINTIFF

v.

NO. 4:04CV195-P-D

RICHARD PENNINGTON, ET AL.

DEFENDANTS

FINAL JUDGMENT

Upon consideration of the file and records in this action, including the Report and Recommendation of the United States Magistrate Judge dated December 14, 2005, and the January 12, 2006, motion by the plaintiff to stay these proceeding to give him the opportunity to exhaust his administrative remedies in state court, the court finds that the plaintiff's motion is without merit and that the Magistrate Judge's Report and Recommendation should be approved and adopted as the opinion of the court. It is, therefore

ORDERED:

1. That the Report and Recommendation of the United States Magistrate Judge dated December 14, 2005, is hereby approved and adopted as the opinion of the court.
2. That the plaintiff's January 12, 2006, motion to stay the proceedings is **DENIED**.
3. That this case is hereby **DISMISSED** without prejudice for failure to exhaust administrative remedies.
4. That this case is **CLOSED**.

THIS, the 10th day of April, 2006.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE